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STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA)
) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2012-030)
)
State Ethics Commission,)
Complainant;)
)
vs.) **DECISION AND ORDER**
)
William D. Porter,)
Respondent.)
_____)

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 11, 2011. On January 18, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011) the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, William D. Porter, with a violation of Section 8-13-1110.

Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, Priscilla L. Tanner, JB Holeman, George Carlton Manly, Jonathan H. Burnett and Richard H. Fitzgerald. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff. The Commission found probable cause to warrant an evidentiary hearing.

STATEMENT OF FACTS

1. The Respondent, William D. Porter, is a member of the Ridgeway Town Council and he is required to file an annual Statement of Economic Interests (SEI) form by April 15 of each year.

2. On October 18, 2011 a Commission investigator left a message at Respondent's telephone concerning the late 2009 SEI and the penalties that were accruing.

3. On October 26, 2011, Respondent complied by filing the 2009 SEI. The outstanding penalty of \$2900.00 was not paid.

4. After filing the 2009 SEI, Respondent explained that simultaneous to the SEI problem he also had received correspondence regarding a pre-election Campaign Disclosure form. Respondent was receiving separate correspondence on each form and he was confused. As soon as he learned that it was two different forms at issue, Respondent came into compliance.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, William D. Porter, is a public official as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Sections 8-13-1110 and 8-13-1140, 1976 Code of Laws of South Carolina, provides that certain public employees shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-320(10)(i) provides in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

(i)If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged

violation.

DECISION

Based upon the evidence presented and the filing of the Statement of Economic Interests form, the State Ethics Commission has determined that the Respondent, William D. Porter, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 29th DAY OF JAN, 2012.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA



PHILLIP FLORENCE, JR.
CHAIRMAN